



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB4250

Introduced 12/15/05, by Rep. Paul D. Froehlich

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-3

from Ch. 46, par. 10-3

Amends the Election Code. Changes an independent General Assembly candidate's petition signature requirement to not less than 5% nor more than 8% of the number of persons who voted in the district at the most recent general election (now, not less than 10% nor more than 16% of that number). With respect to the first election after redistricting, changes the independent State Senate candidate's minimum signature requirement to 1,500 (now, 3,000) district voters and changes the independent State Representative candidate's minimum signature requirement to 750 (now, 1,500) district voters.

LRB094 15146 JAM 50324 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing Section  
5 10-3 as follows:

6 (10 ILCS 5/10-3) (from Ch. 46, par. 10-3)

7 Sec. 10-3. Nomination of independent candidates (not  
8 candidates of any political party), for any office to be filled  
9 by the voters of the State at large may also be made by  
10 nomination papers signed in the aggregate for each candidate by  
11 1% of the number of voters who voted in the next preceding  
12 Statewide general election or 25,000 qualified voters of the  
13 State, whichever is less. Nominations of independent  
14 candidates for public office within any district or political  
15 subdivision less than the State, may be made by nomination  
16 papers signed in the aggregate for each candidate by qualified  
17 voters of such district, or political subdivision, equaling not  
18 less than 5%, nor more than 8% (or 50 more than the minimum,  
19 whichever is greater) of the number of persons, who voted at  
20 the next preceding regular election in such district or  
21 political subdivision in which such district or political  
22 subdivision voted as a unit for the election of officers to  
23 serve its respective territorial area, ~~except that independent~~  
24 ~~candidates for the General Assembly shall require not less than~~  
25 ~~10%, nor more than 16% of the number of persons who voted at~~  
26 ~~the next preceding general election in such district or~~  
27 ~~political subdivision in which such district or political~~  
28 ~~subdivision voted as a unit for the election of officers to~~  
29 ~~serve its respective territorial area.~~ However, whenever the  
30 minimum signature requirement for an independent candidate  
31 petition for a district or political subdivision office shall  
32 exceed the minimum number of signatures for an independent

1 candidate petition for an office to be filled by the voters of  
2 the State at large at the next preceding State-wide general  
3 election, such State-wide petition signature requirement shall  
4 be the minimum for an independent candidate petition for such  
5 district or political subdivision office. For the first  
6 election following a redistricting of congressional districts,  
7 nomination papers for an independent candidate for congressman  
8 shall be signed by at least 5,000 qualified voters of the  
9 congressional district. For the first election following a  
10 redistricting of legislative districts, nomination papers for  
11 an independent candidate for State Senator in the General  
12 Assembly shall be signed by at least 1,500 ~~3,000~~ qualified  
13 voters of the legislative district. For the first election  
14 following a redistricting of representative districts,  
15 nomination papers for an independent candidate for State  
16 Representative in the General Assembly shall be signed by at  
17 least 750 ~~1,500~~ qualified voters of the representative  
18 district. For the first election following redistricting of  
19 county board districts, or of municipal wards or districts, or  
20 for the first election following the initial establishment of  
21 such districts or wards in a county or municipality, nomination  
22 papers for an independent candidate for county board member, or  
23 for alderman or trustee of such municipality, shall be signed  
24 by qualified voters of the district or ward equal to not less  
25 than 5% nor more than 8% (or 50 more than the minimum,  
26 whichever is greater) of the total number of votes cast at the  
27 preceding general or general municipal election, as the case  
28 may be, for the county or municipal office voted on throughout  
29 such county or municipality for which the greatest total number  
30 of votes were cast for all candidates, divided by the number of  
31 districts or wards, but in any event not less than 25 qualified  
32 voters of the district or ward. Each voter signing a nomination  
33 paper shall add to his signature his place of residence, and  
34 each voter may subscribe to one nomination for such office to  
35 be filled, and no more: Provided that the name of any candidate  
36 whose name may appear in any other place upon the ballot shall

1 not be so added by petition for the same office.

2 The person circulating the petition, or the candidate on  
3 whose behalf the petition is circulated, may strike any  
4 signature from the petition, provided that;

5 (1) the person striking the signature shall initial the  
6 petition at the place where the signature is struck; and

7 (2) the person striking the signature shall sign a  
8 certification listing the page number and line number of  
9 each signature struck from the petition. Such  
10 certification shall be filed as a part of the petition.

11 (3) the persons striking signatures from the petition  
12 shall each sign an additional certificate specifying the  
13 number of certification pages listing stricken signatures  
14 which are attached to the petition and the page numbers  
15 indicated on such certifications. The certificate shall be  
16 filed as a part of the petition, shall be numbered, and  
17 shall be attached immediately following the last page of  
18 voters' signatures and before the certifications of  
19 stricken signatures.

20 (4) all of the foregoing requirements shall be  
21 necessary to effect a valid striking of any signature. The  
22 provisions of this Section authorizing the striking of  
23 signatures shall not impose any criminal liability on any  
24 person so authorized for signatures which may be  
25 fraudulent.

26 In the case of the offices of Governor and Lieutenant  
27 Governor a joint petition including one candidate for each of  
28 those offices must be filed.

29 Every petition for nomination of an independent candidate  
30 for any office for which candidates of established political  
31 parties are nominated at the general primary shall be filed  
32 within the time designated in Section 7-12 of this Act in  
33 regard to nomination at the general primary of any other  
34 candidate for such office.

35 A candidate for whom a nomination paper has been filed as a  
36 partisan candidate at a primary election, and who is defeated

1 for his or her nomination at the primary election, is  
2 ineligible to be placed on the ballot as an independent  
3 candidate for election in that general or consolidated  
4 election.

5 A candidate seeking election to an office for which  
6 candidates of political parties are nominated by caucus who is  
7 a participant in the caucus and who is defeated for his or her  
8 nomination at such caucus, is ineligible to be listed on the  
9 ballot at that general or consolidated election as an  
10 independent candidate.

11 (Source: P.A. 86-867; 86-875; 86-1028; 86-1348.)